THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 24650 of 2002 and 12869 of 2005

Common order:

The petitioners claim to have worked as contract labour with the respondents-APSEB. The respondents considered their cases for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, but rejected their cases on the ground that they were not engaged by licenced contractors.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents-APSEB.

It is submitted by the learned counsel for the petitioners and admitted to by the learned Standing Counsel for the respondents-APSEB that having regard to the judgment of a Division Bench of this Court in **Transmission Corpn. of A.P. Ltd., Hyd. V. R. Venkataramana**[1], wherein it was held that restricting the selection only to contract labourers employed by a licenced contractor under Contract Labour (Regulation and Abolition) Act, 1970 , is arbitrary and violative of Article 14 of the Constitution of India, the petitioners who worked with unlicenced contractors are also entitled to consideration of their cases for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997.

In view of the above, it has to be held that the action of the respondents-APSEB in not considering the cases of the petitioners for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, on the ground that they were not engaged by licenced contractors, is illegal and

arbitrary, and it is accordingly held so.

In the result, the writ petitions are allowed. Consequently, there shall be a direction to the respondents to consider the cases of the petitioners for absorption/selection in the light of B.P. Ms. No. 36, dated 18.05.1997, without referring to the fact that they worked as contract labour under unlicenced contractors. No costs.

N.V. RAMANA, J.

Date: 02.01.2007
NSR/GRR

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[1] 1999 (3) ALD 337 (DB)